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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bradley S. Masters

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WESTERN DIGITAL TECHNOLOGIES, INC.

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,772

Applicant(s)

MASTERS ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4 is/are allowed.
6) ☒ Claim(s) 1-3 and 5-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al (2002/0152459).

Regarding claim 13, Bates teaches a method of allowing a user to select among available audiovisual programs while viewing a first audiovisual program on a display device coupled to an audiovisual system, the method comprising:

presenting the first audiovisual program to the user;

generating at least one threshold interest criterion;

estimating a degree of interest by the user for the first audiovisual

program and each available audiovisual program;

comparing the degree of interest for each available audiovisual program with the threshold interest criterion; and

presenting information to the user regarding at least a second available

audiovisual program which has a degree of interest which satisfies the threshold interest criterion (page 5, Figs. 5).

Regarding claim 14, Bates further teaches the system controller is further responsive to the interrupt signal to pause presenting the first available audiovisual program since the current channel is switched to the channel of interest .

3. Claims 1-3, 5-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (6,177,931).

Regarding claim 1, Alexander discloses an audiovisual system for making audiovisual programs available to a user from a broadcast source and from local storage and for presenting on a display device a first available audiovisual program selected from the available audiovisual programs, the audiovisual system comprising:

a disc driver adapted to receive and store audiovisual programs and to retrieve and transmit stored audiovisual programs (column 12, lines 10-22)

a preference determination module responsive to user input and electronic program guide information to estimate a degree of interest by the user for each available audiovisual program (column 14, lines 46-68) .

an alert module coupled to the preference determination module, the alert module generating an interrupt signal in response to the degrees of interest of the available audiovisual programs (column 14, lines 47-68);

generating at least one threshold interest criterion;

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estimating a degree of interest by the user for the first audiovisual program and each available audiovisual program;

comparing the degree of interest for each available audiovisual program with the threshold interest criterion y analyzing the programs of interest based on the user profile (column 29, line 55 to column 30, line 15) ; and

presenting information to the user regarding at least a second available audiovisual program which has a degree of interest which satisfies the threshold interest criterion (column 14 lines 47 to column 15, line 22); and

a system controller coupled to the alert module, the system controller responsive to user input and electronic program guide information to present the first available audiovisual program to the user, and responsive to the interrupt signal from the alert module to interrupt presenting the first available audiovisual program to provide information to the user regarding at least a second available audiovisual program by analyzing the degrees of the interest of each of the audio/video programs based on a user profile (column 14, line 15-62, column 15, line 1-30, columns 29-30).

Regarding claim 2 , Alexander further teaches the system controller is further responsive to the interrupt signal to pause presenting the first available audiovisual program (column 15, lines 1-30).

Regarding claim 3 , Alexander further teach the audiovisual system of Claim 1, wherein the first available audiovisual program is a stored audiovisual program (a movie (Fig. 3)).

Regarding claim 5, Alexander further teaches the audiovisual system of Claim 1, wherein the available audiovisual programs comprise broadcasted audiovisual programs available to be received from the broadcast source within a predetermined time window and stored audiovisual programs (column 15, lines 1-3, Fig. 1).

Regarding claim 6, Alexander further teaches the audiovisual system of Claim 1, wherein the alert module is further responsive to user input to generate at least one threshold interest criterion, whereby the interrupt signal is not transmitted to the system controller unless the degree of interest for an available audiovisual program satisfies the threshold interest criterion since the interrupt signal is generated based on the degree of interest of user in the user profile and is analyzed by a analyzing means (column 14, lines 50- 68) .

Regarding claim 7, Alexander further teaches the audiovisual system of Claim 1, wherein the alert module generates the interrupt signal in response to the degree of interest of the first available audiovisual program (column 14, lines 45-67).

Regarding claim 8, Alexander further teaches the audiovisual system of Claim 7, wherein the estimated degree of interest of the second available audiovisual program is higher than the estimated degree of interest of the first available audiovisual program since the displaying of first program is switched to the information based the interest of the user in the user profile (column 14, lines 45-67).

Regarding claim 9, Alexander further teaches the audiovisual system of Claim 1, wherein the system controller is further responsive to user input to continue presenting the first available audiovisual program to the user (column 14, line 60, column 15 line

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15).

Regarding claim 10, Alexander further teaches the audiovisual system of Claim 1, wherein the system controller is further responsive to user input to begin presenting the second available audiovisual program to the user (column 14, line 55-column 15, line 10).

Regarding claim 11, Alexander further teaches the audiovisual system of Claim 10, wherein the system controller is further responsive to user input to store the first available audiovisual program on the disk drive since the recording of a program is controlled by the user.

Regarding claim 12, Alexander further teaches the audiovisual system of Claim 10, wherein the system controller is further responsive to user input to store a third available audiovisual program on the disk drive since Alexander teaches recording a program can be controlled by the user.

Regarding claim 13, Alexander discloses a method of allowing a user to select among available audiovisual programs while viewing a first audiovisual program on a display device coupled to an audiovisual system, the method comprising:

- presenting the first audiovisual program to the user;

- generating at least one threshold interest criterion;

- estimating a degree of interest by the user for the first audiovisual program and each available audiovisual program;

comparing the degree of interest for each available audiovisual program with the threshold interest criterion and analyzing the programs of interest based on the user profile (column 29, line 55 to column 30, line 15) ; and

presenting information to the user regarding at least a second available audiovisual program which has a degree of interest which satisfies the threshold interest criterion (column 14 lines 47 to column 15, line 22).

Regarding claim 14, Alexander further teaches the system controller is further responsive to the interrupt signal to pause presenting the first available audiovisual program (column 15, lines 1-30).

Regarding claim 16, Alexander further teaches the first available audiovisual program is a stored audiovisual program (a movie (Fig. 3, column 12, lines 10-21).

Regarding claim 17, Alexander further teaches recording the first audio/video program while presenting information since Alexander teaches presenting information during recording a program or receiving a program (column 14, line 47 to column 15, line 22).

Regarding claim 18, Alexander further teaches wherein the available audiovisual programs comprise broadcasted audiovisual programs available to be received from the broadcast source within a predetermined time window and stored audiovisual programs (column 15, lines 1-10, Fig. 1).

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (6,177,931 in view of Makoto et al (JP 08-032955).

Alexander fails to teaches wherein pausing the presentation of the first audiovisual program to the user comprises storing the first audiovisual program.

Makoto teaches a recording apparatus having a control means fro recording a program when pausing the presentation of the program . (See Abstract and constitution sections Fig. 1).

It would have been obvious to on of ordinary skill in the art to modify Alexander as modified with Kubota by using a control means as taught by Makoto with the apparatus of Alexander to control the apparatus to recording the first audio visual

program when pausing the representation to the user thereby enhancing the capacity of the apparatus to reserve the first audio/video program for later viewing.

Response to Arguments

6. Applicant's arguments filed 23 February 2006 have been fully considered but they are not persuasive.

Applicant argues that Bates does not teach "estimate a degree of interest by the user for the first audiovisual program and each available audiovisual program" or "comparing the degree of interest for each available audio visual program with the threshold interest criterion."

In response, the examiner disagrees. It is noted that Bates teaches that for each audio visual program viewed by the user, the program is compared with a threshold of interest to estimate a degree of interest of the user and the program is stored as user interest program. If the degree of the program meets the threshold interest criterion the program is considered as user interest program. Bates further teaches the available interest user programs can be switched from one to another (page 5). It is clear that Bates teaches estimating degree of a first audiovisual program and each of available audiovisual program.

Applicant argues that Alexander does not teaches “estimate a degree of interest by the user for the first audiovisual program and each available audiovisual program” or “comparing the degree of interest for each available audio visual program with the threshold interest criterion.”

In response, the examiner disagrees. It is noted that Alexander at column 29, lines 55 to column 30, line 15 teaches setting threshold interest criterion (user profile) to estimate degree of interest by the user a program. Each program that is viewed by the user will be analyzed by profile program to determine whether the program is a program of user interest (viewer preference). It is clear that Alexander teaches estimating a degree of interest of a first audiovisual program and each available audiovisual program.

Allowable Subject Matter

7. Claim 4 is allowed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER